



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

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**DEPARTMENT OF ENVIRONMENTAL QUALITY
ENFORCEMENT ACTION –
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
NELSON COUNTY SERVICE AUTHORITY
FOR
THE WINTERGREEN WWTP
Permit No.: VA0031011**

SECTION A: Purpose

This is an Amendment of an Order by Consent issued under the authority of Va. Code §§ 62.1-44.15 between the Department of Environmental Quality (Department) and the Nelson County Service Authority (NCSA), regarding the Wintergreen WWTP for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to the NCSA on October 17, 2019. In 2022, the Virginia General Assembly passed Senate Bill 657 which transferred the authority to issue consent special orders from the State Water Control Board to the Department.

SECTION B: Basis for Amendment

1. Nelson County Service Authority (NCSA) owns and operates a wastewater treatment plant, Wintergreen Mountain WWTP, located at 143 Headwaters Drive in Wintergreen, Virginia (Facility). NCSA is subject to VPDES Permit No. VA0031011, which was issued on January 1, 2019 and expires on December 31, 2023.

2. On October 17, 2019, DEQ issued a Consent Order to NCSA for effluent violations, which included a schedule to upgrade the Facility. The Consent Order required NCSA to:
 - a. Secure Facility funding by October 1, 2019, and NCSA secured funding on September 30, 2019.
 - b. Advertise for bids for Facility upgrades by January 1, 2021, and NCSA completed bid advertisement on July 8, 2020.
 - c. Submit a Certificate to Construct (CTC) to DEQ by December 1, 2021, and NCSA submitted the CTC on December 27, 2021.
 - d. Submit a Certificate to Operate and complete construction of the Facility by May 1, 2023. NCSA requested an extension due to delays in the supply chain that are impacting the final completion of the Facility upgrades.
3. On January 10, 2023, DEQ received notification from NCSA that the project final completion date has been extended due to delays caused by inclement weather, supply chain disruptions, and procurement issues.
4. Based on the information available to DEQ to date, NCSA is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders NCSA, and NCSA agrees to:

1. Perform the actions described in Appendix A of this Amendment, which supersedes 2019 Order Appendix A. Both the DEQ and NCSA understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms.

And it is so ORDERED this _____ day of _____, 2023.

Tiffany R. Severs, Regional Director
Department of Environmental Quality

Nelson County Service Authority voluntarily agrees to the issuance of this Amendment.

Date: February 21, 2023 By: , Executive Director
George Miller Executive Director

APPENDIX A SCHEDULE OF COMPLIANCE

Plant Upgrades:

By October 31, 2024, NCSA shall complete its upgrade of the Plant, obtain a CTO, and update the Facility's O&M Manual to incorporate operation and maintenance procedures for the new treatment units.

General Requirements:

1. NCSA shall submit quarterly reports to DEQ, with the first report being due April 10, 2023. Subsequent quarterly progress reports will be due July 10, October 10, and January 10, along with the Plant's DMR until cancellation of this Amendment. The quarterly progress reports shall contain:
 - a. A summary of all work completed since the previous quarterly progress report in accordance with this order;
 - b. A project of the work to be completed in the upcoming quarterly period in compliance with this Amendment; and
 - c. A statement regarding any anticipated problems in complying with this Amendment.
2. No later than 14 days following a date identified in the above schedule of compliance, NCSA shall submit to DEQ's Valley Regional Office a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, the notice shall include the cause of the noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.

DEQ Contact:

Unless otherwise specified in this Amendment, NCSA shall submit all requirements of Appendix A of this Amendment to:

Celeste Horton, Enforcement Specialist
VA DEQ, Valley Regional Office
Celeste.Horton@deq.virginia.gov